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***UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA***

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RIPPIE,

Defendant.

2:13-cr-00154-GMN-PAL

**Motion to Correct Scrivener's Error
in Defendant's Judgment (Doc.
#135)**

AND ORDER

COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and ERIC JOHNSON, Assistant United States Attorney, and files this motion pursuant to Rule 36 of the Federal Rules of Criminal Procedure to correct scrivener's error in defendant's Judgment of Conviction (Doc. #135). The Government contends that defendant's judgment, which was filed on November 15, 2013, should be changed to reflect that defendant was in fact found guilty of Counts 1 and 2 of the Superseding Indictment by a jury and did not plead guilty to the charges as the record currently states.

This Motion is submitted for the following reasons:

1. On August 9, 2013, the jury returned a verdict convicting the defendant of Counts 1 and 2 of the May 29, 2013 superseding criminal indictment. (Doc. #115). Count 1 of the Superseding Indictment charged defendant with

Possession of Firearm by a Person Previously Committed to a Mental Institution, in violation of 18 U.S.C. §§ 922(g)(4) and 924(a)(2), and Count 2 charged *Making False Statement to Acquire Firearm*, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

2. On November 15, 2013, the defendant was sentenced for the instant case and a Judgment of Conviction (Doc. #135) was filed. It was just recently brought to the attention of the Government that the Judgment of Conviction (Doc. #135) erroneously reflected that the defendant pleaded guilty to Counts 1 and 2 of the Superseding Indictment as opposed to his being “found guilty on count(s) after a plea of not guilty,” which is what actually transpired.

Rule 36 of the Federal Rules of Criminal Procedure provides:

After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order or other part of the record, or correct an error in the record arising from oversight or omission.

The Government now submits this motion to correct the Judgment of Conviction (Doc. #135) to state that defendant was found guilty on Counts 1 and 2 of the Superseding Indictment after a plea of not guilty.

Respectfully submitted this 1st day of July, 2014.

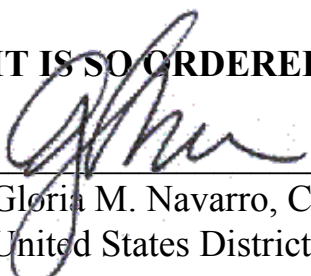
Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

//s//

ERIC JOHNSON
Assistant United States Attorney

IT IS SO ORDERED.



Gloria M. Navarro, Chief Judge
United States District Court